

From: Scott Dawes
To: Microsoft ATR
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Subject: Tunney Act; Microsoft settlement

To: microsoft.atr@usdoj.gov
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To: Renata B. Hesse
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Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

While many technologically astute industry insiders have harmoniously raised their voice in Anti-Microsoft fervor, the consumer has been largely unheard and is at risk of great harm by the lawsuit and the Proposed Final Judgment in United States v. Microsoft. I assert that the Proposed Final Judgment is not in the public interest.

In the days of Windows 3.1 and early in the era of Windows 95, Compaq Computers and a few other computer manufacturers loaded their own Graphical User Interface (GUI) on their DOS/Windows PCs. It was a disaster. Customers had to learn how to use each unique GUI. Manufacturers GUIs were designed to take over the computer desktop and were resilient to novice users attempts at removal or deactivation. If there were other computers in the home or office, or at home versus at work or school, customers were confused and frustrated.

The manufacturers GUIs were typically poorly designed as opposed to the Windows GUI, which had been thoroughly researched and designed. In addition to poor aesthetic design, the third party GUIs were prone to be buggy, exasperating hardware and software compatibility issues. Computer retailers and sales people had to spend a great deal of time at their own expense deactivating those GUIs. This was necessary in order to minimize product returns by frustrated consumers.

Even in those early days of Windows, the Windows 3.1 GUI was a vast improvement over the naked DOS environment or the Manufacturers GUI. The arrival of Windows 3.1 prompted an explosion of business in the computer industry. When CPM was young and DOS was new, we had to pay hundreds of dollars for even the poorest quality menial desktop application software. The industry had not caught on to the notion that software for consumers should be designed to the consumers liking and needs. The pre-Windows computer industry had not been exposed to significant competition and we the consumers paid excessive prices for computer hardware, software and related services as a result. The software we got was generally overpriced and seldom performed as promised.

When Microsoft entered the OS and application arena, things began to change. Suddenly there was a savvy competitor on the scene who listened to their customers. Microsoft delivered applications that fit our needs at prices we could afford. Owning a computer no longer required a consumer to be hamstrung by software vendors and technicians who previously demanded exorbitant prices while failing to deliver promised results. Thanks to Microsoft, the time-honored notion of striving to deliver value and service

collided headlong with an aloof industry formerly oblivious to such a precept.

Since Microsoft has entered the arena, the industry, though begrudgingly, has matured. Companies today must deliver as promised and at fair prices in order to survive. Though many were forced to become better companies as a result of Microsoft competition, the carping from carpetbaggers in the industry has continued unceasingly. With Microsoft Windows, a customer can take a new computer home or to the office and with no prior knowledge of computers, can be enjoying the fruits of the technology age within hours if not minutes. I challenge any novice to do the same with a UNIX or LINUX computer, an exercise that I propose every person involved in *United States v. Microsoft* should undertake. The exercise would quickly reveal that it is the comparative superiority of the Windows product and not trade practice that is responsible for Microsoft's phenomenal success. Microsoft has put the consumer in the drivers seat and the industry resents that fact.

The growth of the computer industry has outstripped the capacity of business legal jurisprudence. The Justice Department lawsuit against Microsoft has attempted to reconcile emerging intricacies of an industry that did not exist when the anti-trust laws were written. The Proposed Final Judgment in *United States v. Microsoft*, in it's attempt to punish Microsoft, risks punishing the consumer instead. It is apparent that the governments suit against Microsoft has persisted only as a result of a massive lobbying effort on the part of bitter competitors who were for the most part striped of their technologically tyrannical power over consumers.

Please do not return us to the dark ages by allowing equipment manufacturers to alter the functionality of the Windows desktop. Please do not discourage Microsoft from integrating intrinsic elements of business and personal computing into a single cohesive operating system. These things not only should be engineered and delivered by a single source, but must be delivered by a single source if computing is to continue to evolve. And lastly, please do not interfere with the computer users ability to send and receive spreadsheets, word processing documents and email documents seamlessly to other associates across the nation and around the world. As such would be the effect of placing inferior products at an artificial advantage by crippling Microsoft's ability to lead the technology in the consumers direction.

The problems you strive to resolve in your Proposed Final Judgment are a noble and justifiable cause, but are tantamount in this case, to burning the forest to prevent forest fires. The solution to all of the problems you embrace must be addressed in new laws and mandated standards designed to accomplish for all computer users what Microsoft has succeeded in providing for their customers. That is standardization of how the computer is used and how business and personal files and information are shared. In the vacuum born of legislative inaction, Microsoft has been forced to undertake and has accomplished this extraordinary task for their customers in spite of being confronted with an unwilling industry and a hostile government.

I beseech you to invoke whatever means are available and necessary to abate any potentially harmful effects against Microsoft in the Proposed Final Judgment or the Amended Proposed Final Judgment. Failure to do so will ultimately and necessarily result in greater harm to the public whom you seek to protect.

Finally, aggressive anti-Microsoft email campaigns by embittered industry insiders are hereby rebuked and as such are not likely representative of the public or of public interests. Such campaigns are likely to be an exploitation of the justice system for purposes of financial gain and for resolution of personal grievances. I beseech you to consider and weigh them as such.

Respectfully,

Scott Dawes, Tulare, California, Computer user since 1979

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